

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Paul Douglas Gregg,	)	
	)	Civil Action No. 6:08-2209-HFF-WMC
Plaintiff,	)	
	)	<b><u>REPORT OF MAGISTRATE JUDGE</u></b>
vs.	)	
	)	
Spartanburg County	)	
Police Department,	)	
	)	
Defendant.	)	
_____	)	

The plaintiff, a former state prisoner proceeding *pro se*, filed this action pursuant to Title 42, United States Code, Section 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(A) and Local Civil Rule 73.02)(B)(2)(e) D.S.C., all pretrial matters in cases involving *pro se* litigants are referred to a United States Magistrate Judge for consideration.

On October 16, 2008, the defendant filed a motion for summary judgment. By order filed October 17, 2008, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), the plaintiff was advised of the summary judgment dismissal procedure and the possible consequences if he failed to adequately respond to the motion. On November 20, 2008, in response to the motion, the plaintiff filed a motion to dismiss the case without prejudice.

Wherefore, it is recommended that the plaintiff's motion be granted and this action be dismissed without prejudice.

IT IS SO ORDERED.

s/William M. Catoe  
United States Magistrate Judge

November 21, 2008

Greenville, South Carolina